



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,320	09/24/2003	Robin B. Hutchison	ECHG121698	5656
26389 7590 12/16/2008 CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC 1420 FIFTH AVENUE SUITE 2800 SEATTLE, WA 98101-2347				
EXAMINER				
FERTIG, BRIAN E				
ART UNIT		PAPER NUMBER		
3694				
MAIL DATE		DELIVERY MODE		
12/16/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

REQUIREMENT FOR INFORMATION

1. Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application. An issue of public use or on sale activity has been raised in this application by the references cited in Applicant's IDS of 2/18/2004 related to the webpages located at <http://www.echarge.att.com>, dated 1997, the Internet Business News, published Jan 1, 1998, and Paul Lang's article Product Review eCharge Billing system published April 1998, retrieved from <http://sellitontheweb.com/ezine/echarge.shtml> by examiner on 12/10/2008 .
2. In order for the examiner to properly consider patentability of the claimed invention under 35 U.S.C. 102(b), additional information regarding this issue is required as follows:

In response to this requirement, please provide copies of the documents Q1-Q9 cited in the IDS filed 2/28/2004.

In response to this requirement, please agree or disagree to the stipulation of each of the following assertions of facts for each of the claims filed 9/9/2008:

The claimed subject matter was not publicly known, in use, or on sale more than 1 year prior to Applicant's earliest filing date so as to comply with the requirement of 35 U.S.C. 102(b).

In response to this requirement, please provide answers to each of the following interrogatories eliciting factual information:

For each of the claims filed 9/9/2008, please state when the claimed subject matter was first publicly known, in use, or on sale as per the meaning of 35 U.S.C. 102(b). Where a precise date is not known, please provide an estimate.

3. The applicant is reminded that the reply to this requirement must be made with candor and good faith under 37 CFR 1.56. Where the applicant does not have or cannot readily obtain an item of required information, a statement that the item is unknown or cannot be readily obtained may be accepted as a complete reply to the requirement for that item.
4. This requirement is subject to the provisions of 37 CFR 1.134, 1.135 and 1.136 and has a shortened statutory period of 3 months. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Inquiry

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN FERTIG whose telephone number is (571)270-5131. The examiner can normally be reached on Monday - Friday 8:30am to 5:00pm EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/B.F./

/Mary Cheung/
Primary Examiner, Art Unit 3694